



House of Representatives

General Assembly

File No. 232

February Session, 2002

Substitute House Bill No. 5621

House of Representatives, March 28, 2002

The Committee on General Law reported through REP. FOX of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING LICENSING OF ARCHITECTS AND CERTIFICATION OF BUILDINGS IN CERTAIN USE GROUPS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-298 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 The following activities are exempted from the provisions of this
4 chapter: (1) The practice of engineering by a professional engineer
5 licensed under the provisions of chapter 391, and the performance by
6 such professional engineer of architectural work for which [he] such
7 professional engineer is qualified by education and experience and
8 which is incidental to [his] such professional engineer's engineering
9 work; (2) the construction or alteration of a residential building to
10 provide dwelling space for not more than two families, or of a private
11 garage or other accessory building intended for use with such
12 residential building, or of any farm building or structure for
13 agricultural use; (3) the preparation of details and shop drawings by

14 persons other than architects, for use in execution of the work of such
15 persons, when buildings are designed in accordance with the
16 requirements of this chapter; (4) the activities of employees of
17 architects licensed in this state acting under the instructions, control or
18 supervision of their employers; (5) the superintendence by builders, or
19 properly qualified superintendents employed by such builders, of the
20 construction or structural alteration of buildings or structures; (6) the
21 activities of officers and employees of any public utility corporation
22 whose operations are under the jurisdiction of the Department of
23 Public Utility Control; (7) the activities of officers and employees of the
24 government of the United States while engaged in this state in the
25 practice of architecture for said government; and (8) the making of
26 plans and specifications for or supervising the erection of any building,
27 [containing] any building addition or any alteration to an existing
28 building, where the building, including any addition, contains less
29 than five thousand square feet total area, [the making of plans and
30 specifications for or supervising the erection of any addition
31 containing less than five thousand square feet total area to any
32 building, or the making of alterations to any existing buildings
33 containing less than five thousand square feet total area,] provided (A)
34 this subdivision shall not be construed to exempt from the provisions
35 of this chapter [alterations in buildings of more than five thousand
36 square feet total area, involving the safety or stability of such
37 buildings] buildings of less than five thousand square feet total area of
38 the use groups as defined in the State Building Code as follows:
39 Assembly, educational, institutional, high hazard, transient residential,
40 which includes hotels, motels, rooming or boarding houses,
41 dormitories and similar buildings, and (B) the [areas] area specified in
42 this subdivision [are] is to be calculated from the exterior dimensions
43 of the outside walls of the building and shall include all occupiable
44 floors or levels.

45 Sec. 2. Section 29-276c of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective October 1, 2002*):

47 (a) [Notwithstanding the provisions of chapter 390, if] If a proposed

48 structure or addition is classified in any use group specified in
49 subdivisions (1) to (3), inclusive, of subsection (b) of this section, the
50 plans and specifications for such structure or addition shall be sealed
51 by the licensed architect of record or professional engineer of record
52 responsible for the design of the structure or addition. Such architect
53 or engineer of record shall be retained and be responsible for the
54 review of the implementation of the design of such structure or
55 addition including the review of shop drawings and the observation of
56 construction. In the event such architect or engineer of record is unable
57 to fulfill such review responsibilities, an additional architect or
58 engineer shall be retained and the local building official shall be
59 informed, in writing, of such retainer. If fabricated structural load-
60 bearing members or assemblies are used in such construction, the
61 licensed professional engineer responsible for the design of such
62 members or assemblies shall be responsible for the implementation of
63 said engineer's design by reviewing the fabrication process to ensure
64 conformance with said engineer's design specifications and
65 parameters.

66 (b) Prior to the issuance of a certificate of occupancy for a proposed
67 structure or addition classified in any use group specified in
68 subdivisions (1) to (3), inclusive, of this subsection, the local building
69 official shall require a statement signed by the architect of record or the
70 professional engineer of record responsible for the design of the
71 structure or addition or the additional architect or professional
72 engineer retained pursuant to subsection (a) of this section, and by the
73 general contractor involved in the construction of such structure or
74 addition affirming their professional opinion that the completed
75 structure or addition is in substantial compliance with the approved
76 plans and specifications on file with such building official. The use
77 groups referred to in this section, as defined in the State Building
78 Code, shall include: (1) Assembly, educational, institutional, high
79 hazard, transient residential, which includes hotels, motels, rooming or
80 boarding houses, dormitories or similar buildings, other than
81 residential buildings designed to be occupied by one or more families,
82 without limitation as to size or number of stories, (2) business, factory

83 and industrial, mercantile, moderate and low hazard storage, having
 84 three stories or more or exceeding thirty thousand square feet total
 85 gross area, and (3) nontransient residential dwellings having more
 86 than sixteen units or twenty-four thousand square feet total gross area
 87 per building.

88 Sec. 3. Section 29-276b of the general statutes is repealed and the
 89 following is substituted in lieu thereof (*Effective October 1, 2002*):

90 (a) For the purposes of this section, the term "threshold limit" shall
 91 apply to any structure or addition thereto (1) having four stories, (2)
 92 sixty feet in height, (3) with a clear span of one hundred fifty feet in
 93 width, (4) containing one hundred fifty thousand square feet of total
 94 gross floor area, or (5) with an occupancy of one thousand persons.

95 (b) The following use groups shall have the following additional
 96 threshold limits:

T1	Use Group	Threshold Limit
T2	I - Institutional	
T3	I-1 Residential care	150 beds or persons
T4	I-2 Incapacitated care	
T5	I-3 Restrained, jails	
T6	and asylums	
T7	R - Residential	
T8	R-1 Residential - hotel/motel	Single structure
T9		with 200 rooms
T10	R-2 Residential - multifamily	Single structure
T11		with 100 dwelling units
T12	S - Storage	Parking structures
T13		with 1,000 cars
T14	S-1 Moderate hazard	250,000 square feet
T15	S-2 Low hazard	250,000 square feet

97 (c) If a proposed structure or addition will exceed the threshold
98 limit as provided in this section, the building official of the
99 municipality in which the structure or addition will be located shall
100 require that an independent structural engineering consultant review
101 the structural plans and specifications of the structure or addition to be
102 constructed to determine their compliance with the requirements of
103 the State Building Code to the extent necessary to assure the stability
104 and integrity of the primary structural support systems of such
105 structure or addition. Any modifications of approved structural plans
106 or design specifications shall require shop drawings to the extent
107 necessary to determine compliance with the requirements of the State
108 Building Code and shall be reviewed by such consultant. Any fees
109 relative to such review requirements shall be paid by the owner of the
110 proposed building project. The building official may prequalify
111 independent structural engineering consultants to perform the reviews
112 required under this subsection. In the case of such a project, each
113 general contractor and major subcontractor shall keep and maintain a
114 daily construction log in a manner prescribed by the State Building
115 Inspector. The building official shall, upon request, have access at all
116 reasonable times to such log. If a structure or addition exceeds the
117 threshold limit, the architect of record, professional engineer of record
118 responsible for the design of the structure or addition and general
119 contractor involved in such project shall sign a statement of
120 professional opinion affirming that the completed construction is in
121 substantial compliance with the approved plans and design
122 specifications. If fabricated structural load-bearing members and
123 assemblies are used in such construction, the professional engineer
124 licensed in accordance with chapter 391 responsible for the design of
125 such members or assemblies shall sign a statement of professional
126 opinion affirming that the completed fabrication is in substantial
127 compliance with the approved design specifications.

128 (d) The building official of the municipality in which the structure
129 or addition will be located shall satisfy himself that each architect,
130 professional engineer, general contractor and major subcontractor
131 involved in the project holds a license to engage in the work or

132 occupation for which the appropriate building permit has been issued.
133 If fabricated structural load-bearing members or assemblies will be
134 used in such construction, the building official shall satisfy himself that
135 each professional engineer responsible for the design of such members
136 or assemblies holds a license issued in accordance with the provisions
137 of chapter 391.

138 [(e) Any person, firm or corporation proposing to construct a
139 structure or addition which will exceed the threshold limit as provided
140 in this section shall give written notice to the building official of the
141 municipality in which the structure or addition is to be located of its
142 intent at least ninety days prior to its filing an application for a
143 building permit.]

144 [(f)] (e) (1) On and after January 1, 1990, any person, firm or
145 corporation which performs testing of construction materials or
146 structures, except any person, firm or corporation licensed under the
147 provisions of chapter 391, may be designated by the building official or
148 engineering consultant to perform such testing only if its facility has
149 received and maintains accreditation by the national voluntary
150 laboratory accreditation program of the National Institute of Standards
151 and Technology. Each such person, firm or corporation shall have a
152 professional engineer licensed in accordance with the provisions of
153 chapter 391 certify tests and reports as required.

154 (2) Not later than July 1, 1991, the Commissioner of Consumer
155 Protection, in consultation with the Board of Examiners for
156 Professional Engineers and Land Surveyors, shall adopt regulations in
157 accordance with the provisions of chapter 54 establishing standards for
158 the testing of construction materials and structures by any person, firm
159 or corporation licensed under the provisions of chapter 391, criteria for
160 its facility, including reinspection of such facility, and qualifications for
161 persons performing such testing, which shall conform at a minimum to
162 such standards, criteria and qualifications as required by the national
163 voluntary laboratory accreditation program. On and after July 1, 1991,
164 any person, firm or corporation licensed under the provisions of

165 chapter 391 which performs testing of construction materials or
166 structures may be designated by the building official or engineering
167 consultant to perform such testing only if its facility meets the criteria
168 established in regulations adopted under this subdivision. A
169 professional engineer licensed in accordance with the provisions of
170 chapter 391 shall certify tests and reports as required.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>

Statement of Legislative Commissioners:

In section 1, "transient and residential" was changed to "transient residential" for accuracy and consistency.

GL *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill eliminates the requirement that anyone planning to construct a building that exceeds the threshold limits give written notice to the local building official at least 90 days before filing a building permit application and makes other technical clarifications.

It is anticipated that passage of this bill will not fiscally impact the state or municipalities.

OLR Bill Analysis

sHB 5621

**AN ACT CONCERNING LICENSING OF ARCHITECTS AND
CERTIFICATION OF BUILDINGS IN CERTAIN USE GROUPS****SUMMARY:**

This bill (1) refines the 5,000-square-foot exemption from the requirement that building plans be sealed by a licensed architect; (2) eliminates a notice that must be given to a local building official before a building permit application for a building that exceeds the “threshold limits” is filed, and (3) makes a change concerning licensure requirements for architects and professional engineers preparing plans for buildings that exceed the threshold limits.

EFFECTIVE DATE: October 1, 2002

5,000-SQUARE-FOOT EXEMPTION

The law prohibits anyone from practicing architecture unless they are licensed but exempts some activities. One exemption is for making plans for the construction of a building with less than 5,000 square feet in area, or for additions or alterations of less than 5,000 square feet. The law excludes from the exemption alterations in buildings of more than 5,000 square feet that involve the building’s safety or stability.

The bill instead exempts buildings, additions, and alterations if the building, including any addition, has less than 5,000 square feet. Under the bill, the exemption does not apply to buildings with less than 5,000 square feet if they are in one of the following State Building Code use groups: assembly, educational, institutional, high hazard, or transient residential (see BACKGROUND).

BUILDING OFFICIAL NOTIFICATION

The bill eliminates the requirement that anyone proposing to construct a building or structure that exceeds the threshold limits give written notice to the local building official at least 90 days before filing a building permit application.

ARCHITECTS AND PROFESSIONAL ENGINEERS PREPARING PLANS FOR THRESHOLD BUILDINGS

The law requires that a licensed architect of record or a licensed professional engineer of record seal plans for buildings or structures greater than the threshold limits “notwithstanding the provisions of chapter 390.” The chapter requires anyone practicing architecture to be licensed but exempts certain activities. The bill eliminates the reference to the architect licensing law and maintains the requirement that a licensed architect or professional engineer seal such plans.

BACKGROUND

State Building Code Use Groups

The State Building Code classifies buildings and structures according to 10 different use groups. The table broadly defines the use groups included in the bill.

Use Group	Buildings or Structures
Assembly	Designed for gatherings of at least 50 people.
Educational	Designed for more than five people for an educational purpose up to grade 12.
High hazard	Occupied to manufacture, process, or store hazardous materials.
Institutional	Designed for people suffering from physical limitations or in which people are detained for correctional purposes.
Residential	Designed with sleeping accommodations, except those which are institutional, including buildings for transient use, such as hotels, motels, boarding houses, and similar buildings.

Threshold Limits

The “threshold limit” requirements apply to buildings and structures with any of the following features: (1) four stories, (2) 60 feet tall, (3) a clear span of 150 feet, (4) 150,000 square feet of floor area, or (5) occupancy by 1,000 people. There are additional threshold limits for certain types of buildings based on their State Building Code use group.

COMMITTEE ACTION

General Law Committee

Joint Favorable Report

Yea 17 Nay 0